

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

WALDO FENNER,)
)
 Plaintiff,)
)
 vs.) 1:10cv383
)
 CITY OF DURHAM/BOARD OF)
 ADJUSTMENT,)
)
 Defendant.)

ORDER

On February 26, 2013, the United States Magistrate Judge's Recommendation was filed, and notice was served on the parties pursuant to 28 U.S.C. § 636. Plaintiff filed objections within the time permitted by section 636. (Doc. 26.)

The court has reviewed those portions of the Magistrate Judge's Recommendation to which Plaintiff has objected and made a de novo determination. The court's review is in accord with the Magistrate Judge's Recommendation, which is therefore adopted.

IT IS THEREFORE ORDERED that Defendant's motion for summary judgment (Doc. 18) is GRANTED and that this action be DISMISSED WITH PREJUDICE. IT IS FURTHER ORDERED that the Defendant's motion to dismiss (Doc. 11) be DISMISSED as MOOT.

A Judgment dismissing this action will be entered contemporaneously with this Order.

/s/ Thomas D. Schroeder
United States District Judge

March 21, 2013